

# Senate Amendment 3206

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1 1 Amend House File 395, as passed by the House, as  
1 2 follows:  
1 3 #1. Page 1, by inserting after line 17 the  
1 4 following:  
1 5 <Sec. \_\_\_\_\_. NEW SECTION. 546A.1 PROVISION OF  
1 6 CONSUMER REPORTS.  
1 7 1. For purposes of this section, unless the  
1 8 context otherwise requires:  
1 9 a. "Consumer" means an individual who obtains or  
1 10 has obtained a financial product or service from a  
1 11 financial institution that is to be used primarily for  
1 12 personal, family, or household purposes, or that  
1 13 individual's legal representative.  
1 14 b. "Consumer report" means any written or other  
1 15 form of communication of any information by a consumer  
1 16 reporting agency bearing on a consumer's  
1 17 creditworthiness, credit standing, or credit capacity  
1 18 which is used or intended to be used or collected, in  
1 19 whole or in part, for the purpose of serving as a  
1 20 factor in establishing the consumer's eligibility for  
1 21 either of the following:  
1 22 (1) Credit or insurance to be used primarily for  
1 23 personal, family, or household purposes.  
1 24 (2) Employment, promotion, reassignment, or  
1 25 retention as an employee.  
1 26 c. "Consumer reporting agency" means any person  
1 27 that, for monetary fees, dues, or on a cooperative  
1 28 nonprofit basis, regularly engages, in whole or in  
1 29 part, in the practice of assembling or evaluating  
1 30 consumer credit information or other information  
1 31 pertaining to consumers for the purpose of furnishing  
1 32 consumer reports to third parties.  
1 33 2. a. A consumer reporting agency that compiles  
1 34 and maintains files on consumers on a nationwide basis  
1 35 shall furnish to any consumer who has provided  
1 36 appropriate verification of the consumer's identity  
1 37 one complete consumer report per calendar year, upon  
1 38 the written request of the consumer and without charge  
1 39 to the consumer.  
1 40 b. The report required under this section must be  
1 41 furnished by the consumer reporting agency to a  
1 42 requesting consumer within ten calendar days of the  
1 43 consumer reporting agency's receipt of the consumer's  
1 44 request.  
1 45 3. A consumer who requests and is not provided a  
1 46 consumer report pursuant to this section shall have a  
1 47 cause of action against the consumer reporting agency  
1 48 that fails to furnish the requested report within ten  
1 49 calendar days of the request to obtain both of the  
1 50 following:  
2 1 a. The greater of actual monetary damages or two  
2 2 hundred fifty dollars.  
2 3 b. Reasonable attorney fees and court costs.>  
2 4 #2. Title page, line 1, by inserting after the  
2 5 word <to> the following: <consumer credit, including  
2 6 the provision of consumer credit reports and>.  
2 7 #3. By renumbering, redesignating, and correcting  
2 8 internal references as necessary.  
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2 11 \_\_\_\_\_  
2 12 JOE BOLKCOM  
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2 15 \_\_\_\_\_  
2 16 STEVEN H. WARNSTADT  
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2 18  
2 19 \_\_\_\_\_  
2 20 THOMAS G. COURTNEY  
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2 24 HERMAN C. QUIRMBACH  
2 25 HF 395.501 80  
2 26 jj/pj

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